



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

December 1, 2020

CERCLA SECTION 104(e) INFORMATION REQUEST

URGENT LEGAL MATTER: PROMPT REPLY REQUESTED

CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 4399 8079

Quemetco, Inc.
c/o The Corporation Trust Company
Registered Agent
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

**Re: Globe-Union Inc. Superfund Site, Garland, Texas; CERCLIS #: TXD980626642
Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. §9604(e)**

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from Quemetco, Inc., (hereinafter Quemetco, Inc., is referred to as "Respondent," "you" or "your"). The EPA is asking you to please provide information and documents relating to the Globe-Union Inc. Superfund Site (the "Site"), located in the area at and near 1111 S. Shiloh Road, Garland, Dallas County, Texas. Information you provide will help the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site, which may have caused pollution at the Site.

This Information Request is not a determination that you are responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending you this letter as part of its investigation of the circumstances related to the release of hazardous substances at the Site, and the EPA does not expect you to pay for or perform any site-related activities at this time. Should the EPA determine that you are responsible or potentially responsible for response activity at the Site, the EPA will send a separate letter clearly stating such a determination as well as the basis the EPA has for making such a determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require Respondent to answer the EPA's requests for the type of information we are asking for in this letter (*see* Enclosure 1). We encourage you to give this matter your full attention, and we ask that you respond to this request for information within **thirty (30) calendar days** of receipt of this letter. A company official with the appropriate authority should respond. If you fail to respond to this Information Request, the EPA may issue an order to Respondent. **If you fail to respond to the EPA's order, Respondent may face penalties of up to \$58,328 per violation per day.** In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Due to the nationwide pandemic (COVID-19), please provide an electronic version (*e.g.*, Adobe pdf) of your written response to EPA Enforcement Officer Kenneth Talton at talton.chuck@epa.gov, and send a hard copy to the mailing address included in the attached Information Request, which is contained in Enclosures 1, 2, and 3. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

IMPORTANT TIMESAVER: Please, before you read any of the attached Information Request, go to Enclosure 3, read question number 1 in Section 1 under “Requests for Documents”. If your response to question number 1 is “no,” then you need only make that response to question number 1 and respond to 1 through 4 in Enclosure 3 under “General Information Concerning Respondent”.

If you have any questions regarding this letter, please contact Mr. Talton at 214-665-7475 or at talton.chuck@epa.gov. Questions concerning legal matters should be directed to the EPA site attorneys, James E. Costello, at 214-665-8045 or costello.james@epa.gov and Matthew Miller, at 214-665-6406 or miller.matthew@epa.gov.

Sincerely yours,

Webster,

Susan

Digitally signed by Webster,
Susan
DN: cn=Webster, Susan,
email=webster.susan@epa.gov
Date: 2020.12.01 12:46:26 -06'00'

Susan D. Webster, Chief
Assessment and Enforcement Branch
Superfund Division

Enclosures (4)

1. Information Request: Response to Information Request
2. Information Request: Instructions and Definitions
3. Information Request: Questions
4. Companies Receiving Information Request

cc: Matt Kingsley, Vice President
Quemetco, Inc.
2777 North Stemmons Freeway, Suite 1800
Dallas, Texas 75207

ENCLOSURE 1

GLOBE-UNION INC. SUPERFUND SITE GARLAND, DALLAS COUNTY, TEXAS

INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA Section 104(e), you are hereby requested to respond to the Information Request found in Enclosures 1, 2, and 3 (this is Enclosure 1). If you have any questions concerning the Globe-Union Inc. Superfund Site (Site) or this Information Request letter, please contact Kenneth Talton, the designated Enforcement Officer for the Site, at phone number (214) 665-7475, or via email at talton.chuck@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Kenneth Talton, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1201 Elm Street
Dallas, Texas 75770

If you or your attorney has legal questions that pertain to this information letter request, please contact James E. Costello at phone number (214) 665-8045 or via email at costello.james@epa.gov and Matthew Miller, at 214-665-6406 or miller.matthew@epa.gov. For contact via mail, use the following address:

James E. Costello, Senior Attorney
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1201 Elm Street
Dallas, Texas 75770

or

Matthew Miller, Attorney
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1201 Elm Street
Dallas, Texas 75770

BACKGROUND INFORMATION

Globe-Union Inc. Superfund Site includes a former battery manufacturing plant that operated from the 1950s to 1995. The plant produced lead oxide batteries for the automobile industry. The Site includes two parcels totaling approximately 12.13 acres located at and near 1111 S. Shiloh Road in Garland, Dallas County, Texas. The Site also includes the areal extent of contamination, including contamination that extends off of these parcels, along with all suitable areas in very close proximity to the contamination necessary for implementation of the response action.

Lead acid battery production is the largest single use of lead in the United States. By the 1970s, Globe-Union Inc., had become the nation's largest manufacturer of lead acid automobile batteries. The Garland location was one of many Globe-Union Inc., facilities throughout the United States which manufactured batteries for Interstate and Sears DieHard brands.

Lead oxide was transported via train or truck to the Globe Union Inc., plant to be smelted and pressed into electrodes, or plates which were used in the production of the automotive batteries. The lead smelting process generates a variety of contaminants including lead particulate and sulfur dioxide. Particulate matter generated during the lead smelting process has been controlled since the early 1900s through the use of large filters, known as baghouses which were often set up in an array. The Globe-Union plant had one baghouse present by 1973 (installation date unknown) when Globe-Union requested and received approval from the Texas Air Control Board (TACB) to install a second baghouse to allow for an increase in production capacity while maintaining air emissions standards.

A permitted central vacuum system, used to clean indoor air from the plant, was also routed to the baghouses. A drying tower was constructed in the late 1970s to reduce sulfur dioxide emissions. TACB files detail several additional air permits for various processes within the plant which were in place from the 1970s until the conclusion of operations in 1995.

During the week of February 17, 2020, the EPA conducted field activities as part of an investigation into the potential release of hazardous constituents from the past operations of the Globe-Union plant. Samples were collected on the fence-line of the Globe-Union plant and in downgradient drainage pathways. Soil samples were collected along the banks of the drainage pathway in public access areas and in residential areas adjacent to the drainage pathways. Representatives from the Meadowlark-Williams neighborhood and the City of Garland were present during the sampling activities.

Preliminary analytical results indicated elevated lead levels were present in the soil along the surface water pathway and in residential yards. As a result of the site inspection, the EPA will conduct a removal assessment and evaluation to determine the need for a removal action at the Site. For more information about the Site, please see the EPA website at https://response.epa.gov/site/site_profile.aspx?site_id=14728.

ENCLOSURE 2

GLOBE-UNION INC. SUPERFUND SITE GARLAND, DALLAS COUNTY, TEXAS

INFORMATION REQUEST

INSTRUCTIONS AND DEFINITIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all nonidentical copies.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses and telephone numbers.
7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "material(s)" shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes or hazardous wastes.
9. The term "operator" shall mean those persons who operate or operated all or part of the 12.13-acre facility (i.e., the Globe-Union Inc. Superfund Site).
10. The term "owner" shall mean those persons who now own or owned all or part of the 12.13-acre facility (i.e., the Globe-Union Inc. Superfund Site).
12. The term "person" shall mean an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

13. The term “property interest” shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
14. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The term “Site” shall mean the Globe-Union Inc. Superfund Site which includes a former battery manufacturing plant and two parcels totaling approximately 12.13 acres located at and near 1111 S. Shiloh Road in Garland, Dallas County, Texas. The Site also includes the areal extent of contamination, including contamination that extends off of these parcels and into nearby creeks that are downgradient from the plant area.
16. The term “solid waste” shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 40 CFR Part 261.
17. The term “you” or “your” or “Respondent” or “you” shall mean the addressee of this Information Request, including the addressee's officers, managers, employees, contractors, tastes, partner, successors and agents.
18. The term “transporter” shall mean persons who took significant amounts of material (*see* definition) to the Site, which may have contained substantial concentrations of lead including lead compounds. By significant amounts we mean the total amount is greater than 110 gallons of liquid materials or greater than 200 pounds of solid materials. We understand that many materials contain lead; accordingly, we are limiting this inquiry to materials that contain “substantial” concentrations of lead or lead compounds. By substantial concentrations, we mean lead at concentrations that exceed 200 milligrams per kilogram, which is .02 percent.

ENCLOSURE 3

GLOBE-UNION INC. SUPERFUND SITE GARLAND, DALLAS COUNTY, TEXAS

INFORMATION REQUEST

QUESTIONS

GENERAL INFORMATION CONCERNING RESPONDENT

1. Identify (*see* Definition) Respondent. Include Respondent's correct full legal name with accurate punctuation. Also, provide Respondent's prior names and Respondent's assumed names including "doing business as" (DBA) names.
2. Identify (*see* Definition) each person answering these questions on behalf of the Respondent and identify (*see* Definition) and provide the full name, title, business address and business telephone number for each person that was relied on or consulted with in the preparation of the answer.
3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, email address and telephone number.
4. Please give a brief description of Respondent's business formation and nature of the business.

REQUESTS FOR DOCUMENTS

Please identify (*see* Definition) and provide copies of all documents (*see* Definition) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question.

Section 1

1. Does or did Respondent or any associated or related entities own or operate on a parcel or tract of land on the Site? If Respondent's answer to this question is yes, please provide a copy of the deeds and/or leases that document the purchase or acquisition of the property.
2. If your answer to question 1 above is "No", **you do not need to respond to the remaining questions.**

Section 2

1. Has Respondent, as owner, ever leased, rented, or in any other way allowed any business or other person (*see* Definition) to use a part of the Site? If the answer to this question is yes, please describe the use and identify (*see* Definition) the person or business and the arrangement (*see* Definition) that Respondent had with this person.

2. Does Respondent know of any business or other person (*see* Definition) that has stored or disposed of significant amounts of material at the Site, which may have contained substantial concentrations of lead including lead compounds? By significant amounts we mean the total amount is greater than 110 gallons of liquid materials or greater than 200 pounds of solid materials. We understand that many materials contain lead; accordingly, we are limiting this inquiry to materials that contain “substantial” concentrations of lead or lead compounds. By substantial concentrations, we mean lead at concentrations that exceed 200 milligrams per kilogram, which is .02 percent. **If Respondent’s answer to this question is yes**, please identify (*see* Definition) the person (*see* Definition), describe the material, and estimate the quantity, by year. Also, describe any arrangement (*see* Definition) that Respondent has or had with the persons identified.
3. Identify (*see* Definition) all transporters (*see* Definition), and also provide the following information:
 - a. Describe the lead containing material that each transporter brought to the Site, and estimate the quantity by year; and
 - b. Provide shipping records and invoices pertaining to lead containing material transported to the Site by each transporter.
 - c. Describe any arrangement (*see* Definition) that Respondent had with each identified transporter.
4. Describe in detail, by the use of text and diagrams or flowcharts, the company history of the Respondent. In the history that you provide, include the following:
 - a. Describe any relationship Respondent may have had with the following: Q Acquisition Corporation; Western Lead Products Co.; Emporia Building Company, Inc.; Quemetco, Inc. (DE-1928); Quemetco, Inc. (CA-1947); Q & R Liquidating Corporation; Best-O-Life Co.; St. Joe Minerals Corp.; St. Joe Mineral Corporation and RSR Corporation; and
 - b. Describe any mergers, splits, consolidations, asset sales, any type of ownership changes, name changes, dissolutions, liability acquisitions and other major events in the Respondent's history. Identify (*see* Definitions) any businesses involved in these major events.
5. Describe Respondent’s activities or business at the Site during the time the Respondent owned or operated the Site.
6. Has Respondent or any of Respondent’s agents or employees ever stored or disposed of significant amounts of material at the Site, which may have contained substantial amounts of lead including lead compounds? By significant amounts we mean the total amount is greater than 110 gallons of liquid materials or greater than 200 pounds of solid materials. We understand that many materials contain lead; accordingly, we are limiting this inquiry to materials that contain “substantial” concentrations of lead or lead compounds. By substantial

concentrations, we mean lead at concentrations that exceed 200 milligrams per kilogram, which is .02 percent. If Respondent's answer to this question is yes, please describe the material, and estimate the quantity by year.

7. Did Respondent have a Phase 1 or Phase 2 Environmental Site Assessment conducted at the Site? If your answer is yes, please provide a copy of the Phase 1 and Phase 2 Environmental Site Assessments.
8. Describe any violations of environmental laws and regulations that took place at the Site by year. Provide copies of all documents associated with such occurrences and identify (*see* Definition) those documents.

ENCLOSURE 4

**GLOBE-UNION INC. SUPERFUND SITE
GARLAND, DALLAS COUNTY, TEXAS**

INFORMATION REQUEST

COMPANY RECEIVING 104(E) INFORMATION REQUEST

Quemetco, Inc.
c/o The Corporation Trust Company
Registered Agent
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

cc: Matt Kingsley, Vice President
Quemetco, Inc.
2777 North Stemmons Freeway, Suite 1800
Dallas, Texas 75207

**COMPANIES THAT WERE ISSUED 104(E) INFORMATION REQUESTS DATED
MAY 22, 2020**

Johnson Controls, Inc.
C T Corporation System
Registered Agent
301 S. Bedford Street, Suite 1
Madison, Wisconsin 53703

cc: Johnson Controls, Inc.
5757 N. Green Bay Ave
Milwaukee, Wisconsin 53209

Realm Management LLC
Danny Ralhan
Registered Agent
1301 S. Shiloh Road
Garland, Texas 75042

cc: Danny Ralhan and Sona Ralhan
5909 Shorefront Lane
Flower Mound, Texas 75022

Clarios, LLC
C T Corporation System
Registered Agent
301 S. Bedford Street, Suite 1
Madison, Wisconsin 53703

cc: Clarios, LLC
5757 N. Green Bay Ave
Milwaukee, Wisconsin 53209

Ken Talton, USEPA Region 6
c/o ARS Aleut Remediation LLC
16650 Westgrove Road, Suite 200
Addison, Texas 75001

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Quemetco, Inc.
c/o The Corporation Trust Company
Registered Agent, Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801



9590 9402 5847 0038 2163 49

2. Article Number (Transfer from service label)

7020 0640 0000 4399 8079

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

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☐ Adult Signature Restricted Delivery

☐ Certified Mail®

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☐ Collect on Delivery

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Registered Agent, Corporation Trust Center
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Wilmington, Delaware 19801

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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

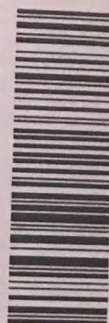
Total Postage \$

Sent to Quemetco, Inc.
c/o The Corporation Trust Company
Registered Agent, Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

City, State, Zip 19801

PS Form 3800

7020 0640 0000 4399 8079



CERTIFIED MAIL

Ken Talton, USEPA Region 6
c/o ARS Aleut Remediation LLC
16650 Westgrove Road, Suite 200
Addison, Texas 75001

Matt Kingsley, Vice President
Quemetco, Inc.
2777 North Stemmons Freeway, Suite 1800
Dallas, Texas 75207

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☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.40

Total Postage

\$7.80

Sent To

Street and Apt.

City, State, ZIP

Quemetco, Inc.

c/o The Corporation Trust Company

Registered Agent, Corporation Trust Center

1209 Orange Street

Wilmington, Delaware 19801

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